(30)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1566 of 2007

Petitioner	:	Ku. Shubhsini Khamhari, S/o Shri Premanand Khamhari, Aged about 41 years Assistant Teacher Tribal Welfare Primary School Jawahar Nagar Block Sarangarh Distt. Raigarh [C.G.]
	Versus	
Respondents		1. State of Chhattisgarh Through:- Secretary Tribal Welfare Department, D.K.S. Bhawan, Raipur (C.G.)
		2. The Director, Public Instruction, D.K.S. Bhawan, Raipur (C.G.)
		3. Joint Director, Public Instruction Division, Raigarh (C.G.)
		4. Assistant Commissioner Tribal Department Distt. Raigarh [C.G.]
		5. District Education Officer Raigarh [C.G.]
		6. Block Education Officer Block Sarangarh Distt. Raigarh [C.G.]

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Sanjay Patel, Advocate for the petitioner.
Mr. Vinay Pandey, Panel Lawyer for State/respondents.

O R D E R

(Passed on this 19th Day of March, 2007)

1. The petitioner was appointed vide order dated 3.8.1987 as Assistant Teacher (Deputy Teacher) on fixed pay scale of Rs. 300/-. After completion of one year probation, she was granted regular pay scale of Rs. 975-1650/-.

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2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge